

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6920 OF 2003

Vinodkumar Khemchand Shah ...Petitioner

vs.

Vijaykumar Devraj Mehta ...Respondent

Mr.S.M.Gorwadkar for the Petitioner
Mr.N.B.Shah for the respondent.

CORAM: A.S.OKA, J.
DATE : JUNE 13, 2007.

P.C.:

1. Heard Advocates for the parties. By the impugned order, the Application made by the Petitioner-Defendant praying for rejection of the evidence of Shri Shivkumar, a witness examined by the Respondent and for de-exhibiting the documents proved during recording of the evidence of the said witness has been rejected by the Trial Court. While rejecting the Application, the learned trial Judge has ensured that no prejudice is caused to the Petitioner by permitting the Petitioner to cross examine the constituted attorney of the Respondent-Plaintiff on the documents which were produced along with the list at Exh.119 through the witness Shri Shivkumar Ayyar.

2. In so far as the evidentiary value of the evidence of witness Shri Shivkumar is concerned, the Trial Court is bound to consider the submissions made in that behalf by the Petitioner at the time of final arguments in the suit.

3. No fault can be found with the impugned order. The Writ Petition is accordingly rejected.

4. All contentions of the parties in the pending suit are expressly kept open.

5. If the Petitioner so desires, on an Application made by the Petitioner, the learned Trial Judge will recall the constituted attorney of the respondent for further cross examination by the Petitioner in accordance with the impugned order.

6. Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE